

Danner, Ward

From: Scott, Jeff
Sent: Friday, September 26, 2014 11:14 AM
To: Armann, Steve; Barhite, Steven; Camp, Christiane; Cooper, Pam; Ebbert, Laura; Gross, Barbara; Heller, Zoe; Huetteman, Tom; Linder, Steven; McCarroll, John; Nelson, Cheryl; Priselac, Adrienne; Schultz, Frances (Separated); Taylor, Katherine; Torres, Tomas
Subject: FW: EPA has now passed 45+ days of UNANSWERED questions regarding the health and safety of children, teachers & unborn children
Attachments: image1.JPG; ATT00001.htm; image1.JPG; ATT00002.htm; image2.JPG; ATT00003.htm; image3.JPG; ATT00004.htm

EXEMPTION (b)(5) - Internal Deliberative

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From: Jennifer deNicola [mailto:jen@malibuunites.com]
Sent: Thursday, September 25, 2014 11:50 PM
To: Scott, Jeff; Blumenfeld, Jared
Cc: president@whitehouse.gov; Laura_Schiller@boxer.senate.gov; James Peterson; invite@gillibrand.senate.gov; Bettina Poirier; Grant_cope@epw.senate.gov; McCarthy, Gina; Stanislaus, Mathy; Breen, Barry; Ted Lieu; Marianne Williamson; Bobby Shriver; j.lacey@da.lacounty.gov; Matthew Rodriguez; Dan Wright; Yael Massry; Henry Stern; Senator.Pavley@outreach.senate.ca.gov; kara.seward@sen.ca.gov; sean.macneil@asm.ca.gov; Richard.Bloom@asm.ca.gov; CA Dept Of Education Superintendent Torlakson; lisa.pinto@mail.house.gov; joey.apodaca@mail.house.gov; Tara Margolin; Laura_Schiller@boxer.senate.gov; invite@gillibrand.senate.gov; Grant_cope@epw.senate.gov; Maria@DTSC Gillette
Subject: EPA has now passed 45+ days of UNANSWERED questions regarding the health and safety of children, teachers & unborn children

Dear Jeff Scott and Jared Blumenfeld:

We are writing to you again as we have yet to receive a reply to this email. We plan to keep sending this email until the EPA addresses the specific concerns raised in this email as we are the parents, teachers and children being affected each day by the EPA's unfortunate lack of investigation and enforcement of Federal law. Please respond to the following, time is of the essence as children and teachers are being unnecessarily exposed to cancerous PCBs banned by Congress and required to be removed by the Toxic Substance Control Act everyday you do not answer and act. Our entire City of Malibu is in support, as the City of Malibu has even passed a resolution that requests the district to test the sources of PCBs at the Malibu Schools. Yet the district and EPA have refused even our Mayor and City Council in addition to the parents, teachers and children. In order to protect the health and safety for all students and staff, test all PCB building material and PCBs removal as required by the Toxic Substance Control Act, parents have secured a plan for portable classrooms to be installed on campus, yet again, the district has refused us. Our eyes have been opened to a vast world of politics that includes a school district barricading itself against potential civil liability by spending over \$1 million on lawyers and consultants rather than investigation, source testing, and remediating and the EPA that has interpreted its role to be the manager of the potential national crisis rather than the protector of citizens immediately exposed to deadly toxicants and the enforcer of PCB Federal Law.

EPA Region 9 received in July 2014, independent testing that found PCBs at 370,000ppm at Malibu High School and 340,000ppm at Juan Cabrillo Elementary School. Why hasn't the EPA addressed these independent test results that were sent to the EPA almost two months ago? Those results are as valid as the ones sent to you from the district in November of 2013. PCBs are present at levels above 50ppm in 5 of 10 buildings on campus but the EPA has chosen to ignore valid PCB test results from an EPA certified lab. This amount of PCBs found in the caulking should be alarming to you as the EPA toxicologists are well aware that this high level will have high amounts of dioxin-like PCBs (congener 126) that will be significantly above the EPA's Regional Screening Levels (RSL), making these buildings a health hazard. Why haven't you gone in and tested the caulking yourself as the EPA has the authority to do?

New independent test results have been released to the Los Angeles District Attorney's office as they have the jurisdiction to take action where the EPA is absconding the law instead of enforcing the toxic substance control act and protecting children and teachers from banned and illegal cancer causing toxicants. The EPA has undoubtedly failed our children and our teachers and interpreted their role to be the manager of a potential national crisis rather than the protector of citizens immediately exposed to deadly toxicants.

Based on the air and dust test done by the district this summer, there are several rooms on each campus that have tested for PCBs higher than the stated threshold allowed by the EPA. Even more dust samples revealed higher than allowable PCBs in the rooms. But even with this limited testing that reveals PCB exposure only at the moment the test is taken, that had exceeded the screening levels set by the EPA, the EPA has still chosen to take no action to find the sources of PCBs to resolve the problem. Instead they have allowed the district to re-clean the rooms, which took up to three times to get test results to be below the EPA threshold. At that point the district and EPA claim the rooms are safe as if no other PCBs will off-gas ever again and get into the air or duct, which we all know is wishful thinking and against the scientific nature of PCBs.

In addition the PCBs tested positive in the air and the dust and in the caulking, there is over 200 linear feet of fencing surrounding toxic soil that contains PCBs over the level allowable by the EPA and DTSC. Confirming PCBs in the soil in the air in the dust and in the caulking at our schools, which would indicate that the schools have a significant PCB problem that is NOT safe as you all know PCBs bioaccumulate in your body and our children's bodies and brains are developing, making PCB exposure even more dangerous. Scientific research has proven that teachers exposed to PCBs in the classroom have elevated PCBs in their blood. Since PCBs cause many different serious health risks including cancer, one can conclude that having PCBs in the classroom causes significant health risk to those that also spend anytime in the classroom. There has not been a total cumulative risk assessment that includes the classroom PCBs and the soil PCBs along with any other contaminant found on campus to before the district has made a blanket statement of safety for the entire campus. Children and teachers are to roam freely around the campus being undoubtedly exposed to high levels of cancerous PCBs.

Since July 2014, we have asked several times for an answer: What is the safe exposure limit for PCBs for pregnant women? For inhalation (in nanograms), dust, and ingestion? We ask because the district and the EPA have continuously allowed exposure to a pregnant teacher despite our many inquiries and requests to have this teachers moved to a classroom built after 1980. Yet the EPA has failed to respond and the district claims a pregnant woman can be exposed to the same standard as a not pregnant woman. **WHEN WILL THE EPA TAKE ACTION ON THE HEALTH AND SAFETY OF A PREGNANT WOMAN AND HER UNBORN CHILD?**

Attached below you will see photos of the campus, PCB confirmed caulking falling off windows, areas that are fenced off because PCBs were found in the soil at unacceptable levels.

Please see the link below and how the district is using the EPA letter dated Aug 14th letter to disarm parents into thinking PCBs are not dangerous and TSCA does not need to be enforced? Children's bodies and brains are developing and are most affected by PCB exposure, are wandering freely through a campus that has PCBs levels at 7000 times the legal limit. PCBs have been found in many of the pre-1979 building on campus both inside and

outside the windows and door frames and these areas are within reach of all children. We all know, best management practices cannot ensure the school is clean enough both inside and outside so there will not be exposure putting children and teachers in harms way. Almost one year after the EPA has recommended Best Management Practices it is not being executed at the schools, students are not being asked to wash their hands, there is no ventilation system, and classrooms are not being cleaned to ensure there is not dust or dirt. If the EPA cannot enforce BMP then the EPA has no practical assurance that exposure is not occurring in a school that has significant PCB sources.

Has the EPA or the district done an exposure assessment analysis at Malibu High to determine any and all possible exposure risks to the children and teachers present on campus? If not, how can the EPA state that only cleaning with wet rags the inside of the classrooms is enough to protect them from PCB exposure when you have never identified where the PCBs are coming from since the EPA and the district claim there is no need to identify and test the sources of PCBs. Has the EPA done a cumulative and synergistic risk exposure of PCBs and other toxins prior to sending the letter to the district claiming that the school is safe?

Isn't the existence of PCBs that are not used in an enclosed manner banned for use under TSCA? Doesn't TSCA specifically state that PCBs cause harm to human health and the environment? Why would the EPA leave them in a school where children roam freely and can touch them or accidentally ingest them (see photos of PCB caulking peeling off ready for a child to pick up? Where does Federal law stipulate that air and wipe testing are sufficient under PCB regulation and therefore doesn't require source testing and removal of PCBs known to be over 50ppm?

Please address these questions and explain why you are assisting the district to disarm parents to the dangers of PCBs and the serious health effects they have on kids and teachers that was so clearly stated by Congress in 1976 and then confirmed in every PCB report since. You are aware of the high levels found at MHS and JC, you are aware that PCBs have been identified in most of the pre-1979 buildings, you are aware that children and pregnant women are the most sensitive to PCBs, you are aware of the toxic nature of PCBs and its affect on human health (<http://www.epa.gov/waste/hazard/tsd/pcbs/pubs/effects.htm>) and yet you are allowing them to occupy rooms and a campus that are full of PCBs with no plans to remove, isolate or encapsulate them. The EPA nor the district can guarantee that there is no exposure or risk of harm to human health or the environment until the PCBs are removed and that is precisely why Congress banned them.

All of those attached to this letter, please take an active stand on protecting the children and teachers at Malibu High as well as all children and teachers across the state and nation from unnecessary PCB exposure in our schools. Children's brains and Baiser developing and should not be exposed to a toxic chemical that will alter their health forever.

Jared Blumenfeld and Jeff Scott, we anxiously await your reply.

Respectfully,
Jennifer deNicola